

RESOLUTION NO. 28-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON, CALIFORNIA, DECLARING ITS INTENTION TO TAKE PROCEEDINGS PURSUANT TO PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 TO DISESTABLISH THE TIBURON TOURISM BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the Parking and Business Improvement Area Law of 1989, Section 36500 et seq. of the Streets and Highways Code, authorizes cities to establish parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, in 2007, the Town formed the Tiburon Tourism Business Improvement District (“TTBID”), to levy an assessment on lodging establishments within the Town’s borders at a rate of a one percent (1 %) of gross room rental value and provide lodging-related and visitor services; and

WHEREAS, in 2010, at the request of the Town’s two lodging establishments, the Lodge at Tiburon and the Water’s Edge Hotel (collectively, “Town Hotels”), the Town increased the TTBID assessment to two percent (2%) of gross room rental value; and

WHEREAS, on January 18, 2017, the Council adopted Resolution No. 03-2017, declaring its intention to levy the TTBID assessments, setting a public hearing on February 1, 2017 to consider any protests and directing related actions; and

WHEREAS, on February 1, 2017, following public hearing, the Council adopted Resolution No. 06-2017 levying assessments to pay for all improvements and activities within the TTBID, specifically lodging-related and visitor services; and

WHEREAS, the assessment fees collected on behalf of the TTBID by the Town has enabled the Town over the years to finance and administer marketing programs to promote mid-week and off-season overnight lodging business, to promote the Town as an overnight tourism destination, and to fund projects, programs, and activities that benefit lodging establishments within the TTBID, including management and visitor services; and

WHEREAS, Destination Tiburon, a nonprofit organization is currently provides all TTBID Program services; and

WHEREAS, only the Town Hotels are currently assessed to fund the TTBID Program; and

WHEREAS, approving TTBID assessments on a yearly basis, collecting and managing such assessments creates administrative overhead to the Town and Destination Tiburon;

WHEREAS, a decrease in administrative overhead and commensurate cost savings would result if TTBID Program services are financed and operated via a method other than a business improvement area under the Parking and Business Improvement Area Law of 1989; and

WHEREAS, in light of Destination Tiburon's role in managing the TTBID Program, such services could continue to be provided to the Town Hotels if funding was provided under alternative arrangements, including but not limited to direct contributions to Destination Tiburon from the Town Hotels for such services; and

WHEREAS, the Town Hotels have indicated that they support dissolution of the TTBID and would prefer to pursue alternative arrangements; and

WHEREAS, Section 36550 of the Streets and Highways Code sets forth the process for disestablishment of a business improvement area.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Tiburon does hereby resolves, determines, and finds as follows:

SECTION 1. The Town Council declares its intent to disestablish the TTBID, as identified in Resolution No. 03-2017, passed on January 18, 2017, and Resolution No. 06-2017, passed on February 1, 2017.

SECTION 2. Any tangible assets acquired with assessments levied for the TTBID, and any remaining revenues, shall be refunded in in the manner set forth in Section 36551 of the Streets and Highways Code.

SECTION 3. On October 18, 2017, at 7:30 p.m., or as soon thereafter as the matter may be heard, the Town Council shall hold a public hearing on the disestablishment of the TTBID in the Town Council Chambers located at 1505 Tiburon Boulevard, Tiburon, CA 94920.

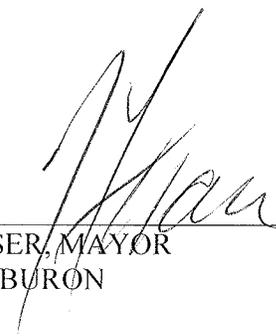
SECTION 4. The Town Clerk is directed to give notice of a public hearing on the aforementioned matters in accordance with California Streets and Highways Code Section 36523. Notice of the public hearing shall be given by publishing the resolution of intention in a newspaper of general circulation in the Town once, for at least seven days before the public hearing. Notice of the public hearing shall be given by mailing a complete copy of this Resolution of Intention by first-class mail to each business owner assessed within the District, within seven days following the Town Council's adoption of this Resolution of Intention to Disestablish the TTBID.

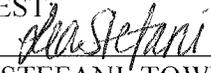
PASSED and ADOPTED at a regular meeting of the Town Council of the Town of Tiburon held on September 19, 2017, by the following vote:

AYES: COUNCILMEMBERS: Fraser, Fredericks, Kulik, O'Donnell, Thier

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
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JAMES FRASER, MAYOR  
TOWN OF TIBURON

ATTEST:  
  
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LEA STEFANI, TOWN CLERK